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8 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against,

Case No. 800-2017-033828

12 **JEFF CEPHUS MCCOY, JR., M.D.**
Kern Radiology Medical Group
13 2301 Bahamas Drive
Bakersfield, CA 93309

**DEFAULT DECISION
AND ORDER**

14 **Physician's and Surgeon's Certificate No. C**
15 **36766**

[Gov. Code, §11520]

16 One.

17 **FINDINGS OF FACT**

18 1. On or about November 22, 2017, Complainant Kimberly Kirchmeyer, in her official
19 capacity as the Executive Director of the Medical Board of California, Department of Consumer
20 Affairs, filed Accusation No. 800-2017-033828 against Jeff Cephus McCoy, Jr., M.D.
21 (Respondent) before the Medical Board of California.

22 2. On or about September 18, 1975, the Medical Board of California (Board) issued
23 Physician's and Surgeon's Certificate No. C 36766 to Respondent. The Physician's and Surgeon's
24 Certificate expired on May 31, 2014, and has not been renewed. (Exhibit Package, Exhibit 1,
25 Certificate of Licensure).¹
26

27 ¹ The evidence in support of this Default Decision and Order is submitted as the "Exhibit
28 Package."

1 3. On or about November 22, 2017, an employee of the Board, served by Certified Mail
2 a copy of the Accusation No. 800-2017-033828, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to
4 Respondent's address of record with the Board, which was and is: Kern Radiology Medical
5 Group, 2301 Bahamas Drive, Bakersfield, CA 93309. Additionally, a copy of the Accusation
6 Package was sent to a second address associated with Respondent, which is: 6414 Waterford
7 Drive, Brentwood, TN 37027. The Board received a signed Domestic Return Receipt card
8 indicating receipt of the Accusation Package at the Kern Radiology address; however, the
9 Accusation Package was also returned. The U.S. Postal Service Track and Confirm search results
10 indicate that the Accusation Package sent to the Tennessee address was returned unclaimed on
11 December 26, 2017. The Board has not received a response to the Accusation. (Exhibit Package,
12 Exhibit 2, Accusation Package, Declaration of Service and return receipt card, and a copy of the
13 U.S. Postal Service Track and Confirm search results.)

14 4. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505, subdivision (c).

16 5. On or about January 24, 2018, an employee of the Attorney General's Office sent by
17 certified mail addressed to Respondent as the address of record and alternate address, as set forth
18 above in paragraph 3, a Courtesy Notice of Default, advising Respondent of the service of the
19 Accusation, and providing him with the opportunity to request relief from default. The Attorney
20 General's Office received a signed Domestic Return Receipt card indicating receipt of the
21 Accusation Package at the Kern Radiology address. The U.S. Postal Service Track and Confirm
22 search results indicate that the Courtesy Notice of Default sent to the Tennessee address remained
23 unclaimed and available for pick-up as of February 20, 2018. The Board has not received a
24 response to the Courtesy Notice of Default. (Exhibit Package, Exhibit 3, Courtesy Notice of
25 Default Package, Declaration of Service and return receipt card, and a copy of the U.S. Postal
26 Service Track and Confirm search results.)

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1 6. Government Code section 11506 states, in pertinent part:

2 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a
3 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
4 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
5 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

6 Respondent failed to file a Notice of Defense within 15 days after service upon him of the
7 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 800-
8 2017-033828.

9 7. California Government Code section 11520 states, in pertinent part:

10 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
11 agency may take action based upon the respondent's express admissions or upon other evidence
12 and affidavits may be used as evidence without any notice to respondent."

13 8. Pursuant to its authority under Government Code section 11520, the Board finds
14 Respondent is in default. The Board will take action without further hearing and, based on
15 Respondent's express admissions by way of default and the evidence before it, contained in the
16 Exhibit Package, find that the allegations in Accusation No. 800-2017-033828 are true.

17 A. On May 23, 2017, the Division of Health Related Boards of the Tennessee
18 Department of Health issued a Consent Order regarding Respondent's license to practice
19 medicine. According to the Order, Respondent pled guilty to one count of income tax fraud in the
20 United States Federal Court. The Division issued a Reprimand and required Respondent to pay a
21 fine and its enforcement costs. (Exhibit Package, Exhibit No. 4, Tennessee Department of Health
22 Consent Order.)

23 B. On or about August 13, 2014, the United States Attorney filed an indictment for
24 charges related to the failing to file tax returns, filing fraudulent tax returns, and conspiracy in
25 *United States of America v. Jeff Cephus McCoy, Jr. and Andra L. McCoy*, Case No. 3:14-00128,
26 in the United States District Court, Middle District of Tennessee, Nashville Division. Respondent
27 pled guilty to one count of Conspiracy to Defraud by Interference with Governmental Functions,
28 a Class D felony. On or about July 18, 2017, a United States District Court Judge sentenced

1 Respondent to 36 months in prison, followed by three years of supervised release. Respondent
2 was also to pay \$913,595 for his outstanding tax liability and other criminal penalties. (Exhibit
3 Package, Exhibit No. 5, *United States of America v. Jeff Cephus McCoy, Jr. and Andra L.*
4 *McCoy*, Case No. 3:14-00128, Judgment in a Criminal Case.)

5 DETERMINATION OF ISSUES

6 1. Based on the foregoing findings of fact, Respondent's conduct and the action taken
7 by the Tennessee Department of Health regarding Respondent's license to practice medicine, as
8 well as Respondent's felony convictions, as set forth above, constitute cause for disciplinary
9 action and/or unprofessional conduct within the meaning of Business and Professions Code
10 sections 141, and/or 2305, and/or 2234, and/or 2236.

11 2. The agency has jurisdiction to adjudicate this case by default.

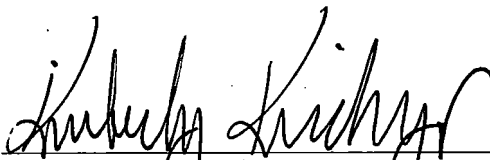
12 ORDER

13 IT IS SO ORDERED that Physician's and Surgeon's Certificate No. C 36766, heretofore
14 issued to Respondent Jeff Cephus McCoy, Jr., M.D., is revoked.

15 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
16 written motion requesting that the Decision be vacated and stating the grounds relied on within
17 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
18 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

19 This Decision shall become effective on March 30, 2018, at 5:00 p.m.

20 It is so ORDERED March 1, 2018

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25 MEDICAL BOARD OF CALIFORNIA
26 DEPARTMENT OF CONSUMER AFFAIRS
27 STATE OF CALIFORNIA
28 Kimberly Kirchmeyer
Executive Director

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7 Attorneys for Complainant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Nov 28, 2017
BY: [Signature] ANALYST

8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 800-2017-033828

12 **Jeff Cephus McCoy, Jr., M.D.**
13 Kern Radiology Medical Group
2301 Bahamas Drive
14 Bakersfield, CA 93309

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. C 36766,**

Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Director of the Medical Board of California, Department of Consumer
22 Affairs (Board).

23 2. On or about September 18, 1975, the Medical Board issued Physician's and Surgeon's
24 Certificate Number C 36766 to Jeff Cephus McCoy, Jr., M.D. (Respondent). The Physician's and
25 Surgeon's Certificate expired on May 31, 2014, has not been renewed, and is currently delinquent.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2227 of the Code provides that a licensee who is found guilty under the
2 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed
3 one year, placed on probation and required to pay the costs of probation monitoring, or such other
4 action taken in relation to discipline as the Board deems proper.

5 5. Section 141 of the Code states:

6 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
7 department, a disciplinary action taken by another state, by any agency of the federal government,
8 or by another country for any act substantially related to the practice regulated by the California
9 license, may be a ground for disciplinary action by the respective state licensing board. A
10 certified copy of the record of the disciplinary action taken against the licensee by another state,
11 an agency of the federal government, or another country shall be conclusive evidence of the
12 events related therein.

13 "(b) Nothing in this section shall preclude a board from applying a specific statutory
14 provision in the licensing act administered by that board that provides for discipline based upon a
15 disciplinary action taken against the licensee by another state, an agency of the federal
16 government, or another country."

17 6. Section 2305 of the Code states:

18 "The revocation, suspension, or other discipline, restriction or limitation imposed by
19 another state upon a license or certificate to practice medicine issued by that state, or the
20 revocation, suspension, or restriction of the authority to practice medicine by any agency of the
21 federal government, that would have been grounds for discipline in California of a licensee under
22 this chapter shall constitute grounds for disciplinary action for unprofessional conduct against the
23 licensee in this state."

24 7. Section 2234 of the Code, states, in relevant part:

25 "The board shall take action against any licensee who is charged with unprofessional
26 conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not
27 limited to, the following:

28 "...."

1 “(e) The commission of any act involving dishonesty or corruption which is substantially
2 related to the qualifications, functions, or duties of a physician and surgeon.

3 “(f) Any action or conduct which would have warranted the denial of a certificate.

4 8. Section 2236 of the Code states, in relevant part:

5 “(a) The conviction of any offense substantially related to the qualifications, functions, or
6 duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this
7 chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction
8 occurred.

9 “....”

10 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to
11 be a conviction within the meaning of this section and Section 2236.1. The record of conviction
12 shall be conclusive evidence of the fact that the conviction occurred.”

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Discipline, Restriction, or Limitation Imposed by Another Jurisdiction)**

15 9. On May 23, 2017, the Division of Health Related Boards of the Tennessee
16 Department of Health (Division) issued a Consent Order (Order) regarding Respondent’s license
17 to practice medicine. According to the Order, Respondent pled guilty to one count of income tax
18 fraud in the United States Federal Court. The Division issued a Reprimand and required
19 Respondent to pay a fine and its enforcement costs. A copy of the Division’s Order is attached as
20 Exhibit A.

21 10. Respondent’s conduct and the actions of the Tennessee Department of Health as set
22 forth in paragraph 9, above, constitutes unprofessional conduct within the meaning of section
23 2234, and conduct subject to discipline within the meaning of sections 141 and 2305 of the code.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Criminal Conviction)**

26 11. Respondent is subject to disciplinary action under sections 2234 [unprofessional
27 conduct], and/or 2234(e) [dishonest acts], and/or 2236 [conviction of a crime]. The
28 circumstances are as follows:

1 12. On or about August 13, 2014, the United States Attorney filed an indictment for
2 charges related to the failing to file tax returns, filing fraudulent tax returns, and conspiracy in
3 *United States of America v. Jeff Cephus McCoy, Jr. and Andra L. McCoy*, Case No. 3:14-00128,
4 in the United States District Court, Middle District of Tennessee, Nashville Division.

5 13. Respondent pled guilty to one count of Conspiracy to Defraud by Interference with
6 Governmental Functions, a Class D felony. The remaining counts were dismissed in exchange
7 for the guilty plea.

8 14. On or about July 18, 2017, a United States District Court Judge sentenced
9 Respondent to 36 months in prison, followed by three years of supervised release. Respondent
10 was also to pay \$913,595 for his outstanding tax liability and other criminal penalties.
11 Respondent was ordered to surrender to the Board of Prisons to begin his prison sentence on
12 August 28, 2017.

13 15. There is no record of Respondent on the Federal Bureau of Prisons inmate locator
14 website. (<https://www.bop.gov/inmateloc/>).

15 16. Respondent's Physician's and Surgeon's Certificate is subject to discipline based on
16 sections 2234 [unprofessional conduct], and/or 2234(e) [dishonest acts], and/or 2236 [conviction
17 of a crime].

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

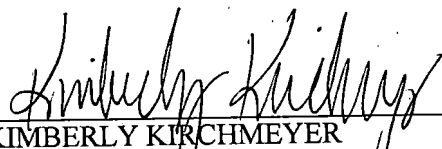
1. Revoking or suspending Physician's and Surgeon's Certificate Number C 36766, issued to Jeff Cephus McCoy, Jr., M.D.;

2. Revoking, suspending or denying approval of Jeff Cephus McCoy, Jr., M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Jeff Cephus McCoy, Jr., M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: November 28, 2017


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

STATE OF TENNESSEE
DEPARTMENT OF HEALTH

IN THE MATTER OF:)	BEFORE THE TENNESSEE BOARD
)	OF MEDICAL EXAMINERS
JEFF C. MCCOY, JR., M.D.)	
RESPONDENT)	CASE NO: 201701569
)	
BRENTWOOD, TENNESSEE)	
TENNESSEE LICENSE NO.: 25556)	

CONSENT ORDER

Come now the Division of Health Related Boards of the Tennessee Department of Health (hereinafter the "Division"), by and through the Office of General Counsel, and Respondent Jeff C. McCoy, Jr., M.D. (hereinafter "Respondent"), who would respectfully move the Tennessee Board of Medical Examiners (hereinafter the "Board") for approval of this Consent Order affecting Respondent's medical license in the State of Tennessee.

The Board is responsible for the regulation and supervision of medical doctors licensed to practice in the State of Tennessee. See Tennessee Medical Practice Act, Tennessee Code Annotated Section (hereinafter "TENN. CODE ANN. §") 63-6-101, *et seq.* It is the policy of the Board to require strict compliance with the laws of this State, and to apply the laws so as to preserve the quality of medical care provided in Tennessee. It is the duty and responsibility of the Board to enforce the Tennessee Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare in every practicable way, including disciplining medical doctors who violate the provisions of TENN. CODE ANN. § 63-6-101, *et seq.* or the Rules and Regulations promulgated by the Board and recorded in the Official Compilation Rules and Regulations of the State of Tennessee (hereinafter "TENN. COMP. R. & REGS.").

Respondent, by his signature to this Consent Order, waives the right to a contested case hearing and any and all rights to judicial review in this matter. Respondent agrees that presentation to and consideration of this Consent Order by the Board for ratification and all matters divulged during that process shall not constitute unfair disclosure such that the Board or any of its members shall be prejudiced to the extent that requires their disqualification from hearing this matter should this Order not be ratified. Likewise, all matters, admissions and statements disclosed or exchanged during the attempted ratification process shall not be used against Respondent in any subsequent proceeding unless independently entered into evidence or introduced as admissions.

Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to challenge or contest the validity of this Consent Order. Respondent understands that by signing this Consent Order, Respondent is allowing the Board to issue its order without further process. Respondent acknowledges that this is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank and/ or similar agency. In the event that the Board rejects this Consent Order for any reason, it will be of no force or effect for either party.

I. STIPULATIONS OF FACT

1. Respondent has been at all times pertinent hereto licensed by the Board as a medical doctor in the State of Tennessee, having been granted Tennessee medical license number 25556 by the Board on May 4, 1994, which expires on May 31, 2018.
2. On or about March 3, 2017, the Respondent pled guilty to one count of income tax fraud acknowledging that:

"On or about August 22, 2008, within the Middle District of Tennessee, the defendant knowingly, signed and filed with the IRS a false Form 1040, a U.S. Individual Income Tax Return, for the tax year 2003 that reflected approximately \$439,850.00 in false and fictitious withholdings."

3. On or about March 9, 2017, the Respondent notified the Board in writing of the guilty plea entered into on or about March 3, 2017.

II. GROUNDS FOR DISCIPLINE

The facts stipulated to in the Stipulations of Fact are sufficient to establish that grounds for discipline of Respondent's medical license exist. Specifically, Respondent has violated the following statutes or rules which are part of the Tennessee Medical Practice Act, (TENN. CODE ANN. § 63-6-101, *et seq.*) for which disciplinary action before and by the Board is authorized:

4. The facts stipulated in paragraph 2, *supra*, constitute a violation of TENN. CODE ANN. § 63-6-214(b)(2):

Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate any provision of this chapter or, any lawful order of the board issued pursuant thereto or any criminal statute of the state of Tennessee

III. POLICY STATEMENT

The Tennessee Board of Medical Examiners takes this action in order to protect the health, safety and welfare of people in the State of Tennessee and ensure that the public confidence in the integrity of the medical profession is preserved.

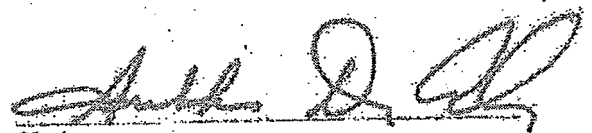
IV. ORDER

NOW THEREFORE, Respondent, for the purpose of avoiding further administrative action with respect to this cause, agrees to the following:

5. The Tennessee medical license of Jeff C. McCoy, Jr., M.D., license number 25556, is hereby **REPRIMANDED** effective the date of entry of this Order.
6. Respondent shall pay one (1) "Type C" civil penalty in the amount of one hundred dollars (\$100.00); representing the criminal conviction, incident in violation of Section II, Grounds for Discipline for a total of hundred dollars (\$100.00). Any and all civil penalties shall be paid within thirty (30) days of the effective date of this Consent Order. Any and all civil penalty payments shall be paid by certified check, cashier's check, or money order, payable to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd Floor, Nashville, Tennessee 37243. A notation shall be placed on said check that it is payable for the civil penalties of Jeff C. McCoy, Jr., M.D., COMPLAINT NO. 201701569.
7. Respondent must pay, pursuant to TENN. CODE ANN. §§ 63-6-214 (k) and 63-1-144(a)(4), the actual and reasonable costs of prosecuting this case to the extent allowed by law, including all costs assessed against the Board by the Division's Bureau of Investigations in connection with the prosecution of this matter. These costs will be established by an Assessment of Costs prepared and filed by counsel for the Department. Said costs shall not exceed one thousand dollars (\$1,000.00).

8. Any and all costs shall be paid in full within thirty (30) days after the issuance of the Assessment of Costs unless Respondent makes arrangements for an extended payment plan for the assessed costs through the Disciplinary Coordinator of the Division of Health Related Boards. Payment shall be made by certified check, cashier's check, or money order, payable to the State of Tennessee, Department of Health. Any and all payments shall be forwarded to the Disciplinary Coordinator, The Division of Health Related Boards, Tennessee Department of Health, 665 Mainstream Drive, 2nd floor, Nashville, Tennessee 37243. A notation shall be placed on said money order or such check that it is payable for the costs of Jeff C. McCoy, Jr., M.D., COMPLAINT NO: 201701569.
9. Respondent understands that this is a formal disciplinary action and will be reported to the National Practitioner Data Bank (N.P.D.B.) and/or similar agency.

This CONSENT ORDER was approved by a majority of a quorum of the Tennessee Board of Medical Examiners at a public meeting of the Board and signed this 23 day of May, 2017.


Chairperson
Tennessee Board of Medical Examiners

APPROVED FOR ENTRY:

Jeff C. McCoy, Jr., M.D.
Jeff C. McCoy, Jr., M.D.
Respondent

4-8-2017
DATE

Jennifer L. Putnam
Jennifer L. Putnam (B.P.R. #029890)
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health
665 Mainstream Drive, 2nd Floor
Nashville, Tennessee 37243
(615) 741-1611

4/12/17
DATE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document has been served upon Respondent, Jeff C. McCoy, Jr., M.D., 6414 Waterford Drive, Brentwood, Tennessee 37027 and via email at rcalmcc1@gmail.com.

This 24th day of May, 2017.

Jennifer L. Putnam
Jennifer L. Putnam
Assistant General Counsel